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10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
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13 LA COSTA BEACH HOMEOWNERS'
14 ASSOCIATION, et al.,

Petitioners,

15 v.

16 CALIFORNIA STATE COASTAL
17 CONSERVANCY,

18 Respondent,
19

20 GAMMA FAMILY TRUST, BROAD REVOCABLE
21 TRUST and NANCY M. DALY LIVING TRUST,

22 Real Parties-in-Interest.

Case No.: BS063275

ORDER RE DEMURRER OF
RESPONDENT CALIFORNIA
STATE COASTAL
CONSERVANCY TO PETITION
FOR WRIT OF MANDATE AND
INJUNCTIVE RELIEF

23 The Demurrer of Respondent California State Coastal Conservancy to the First, Third and
24 Fourth Causes of Action of the Petition for Writ of Mandate and Injunctive Relief filed by
25 Petitioners La Costa Beach Homeowners' Association, Richard Ziman, Daphna Ziman, Art
26 Zoloth, Helen Zoloth, Freddie Fields, Corinna Fields, Peg Yorkin, Budge Offer, Jerry Monkarsh,
27 Virginia Mancini, Ryan O'Neal, Aaron Spelling, Candy Spelling, Nancy Hayes and Lou Adler
28 came on regularly for hearing in Department 85 of this Court on October 5, 2000. Clare

1 Bronowski, Esq., of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP appeared as
2 counsel for Petitioners. Patricia Sheehan Peterson, Deputy Attorney General, appeared as
3 counsel for Respondents. The court, having read and considered the supporting and opposing
4 points and authorities and having heard and considered the arguments of counsel, and good cause
5 appearing therefor,

6 IT IS ORDERED that the demurrer to the First Cause of Action is overruled.

7 IT IS ORDERED that the demurrer is sustained without leave to amend as to the Third
8 Cause of Action on the ground that the petition does not state facts sufficient to constitute a cause
9 of action in that the Coastal Conservancy's acceptance of the offer to dedicate was exempt from
10 CEQA review.

11 IT IS ORDERED that the demurrer is sustained without leave to amend as to the Fourth
12 Cause of Action on the ground that the petition does not state facts sufficient to constitute a cause
13 of action in that injunctive relief was not available in conjunction with a mandate cause of action.

14 Dated: _____

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16 DZINTRA I. JANAUS
17 Judge, Los Angeles County Superior Court
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DECLARATION OF SERVICE BY OVERNIGHT MAIL

Case Name: LA COSTA BEACH HOMEOWNERS' ASSOCIATION, et al. v. CALIFORNIA
STATE COASTAL CONSERVANCY

Case No.: Los Angeles County Superior Court No. BS063275

I declare that I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within entitled cause; my business address is Office of the Attorney General, 1515 Clay Street, 20th Floor, Oakland, California. I am readily familiar with the business practice, at my place of business, for the collection and processing of correspondence for overnight mailing with **Golden State Overnight**. Correspondence so collected and processed is deposited with the service in the ordinary course of business on the same day to be delivered to addressee overnight.

On October 5, 2000, the following attached documents:

**ORDER RE DEMURRER OF RESPONDENT CALIFORNIA
STATE COASTAL CONSERVANCY TO PETITION FOR
WRIT OF MANDATE AND INJUNCTIVE RELIEF**

was prepared by placing true and correct copies thereof enclosed in a sealed envelope and deposited in a box regularly maintained by this overnight service or picked up by driver authorized by this overnight service with delivery fees paid for overnight delivery, addressed as follows:

**PATRICIA L. GLASER, ESQ.
CLARE BRONOWSKI, ESQ.
DAVID J. ALTMAN, ESQ.
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Attorney for Real Party Eli Broad

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at Oakland, California, on October 5, 2000.

Florita C. Mapalo
Print Name

Florita Mapalo
Signature

DSM 3-OAK